

To be submitted October 28, 2011

Mr. Michael Yudin  
Acting Assistant Secretary for Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-6100

Dear Acting Assistant Secretary Yudin:

I am writing to request a waiver of section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of the Michigan Department of Education and its sub-recipients to obligate fiscal year (FY) 2009 regular and ARRA funds after September 30, 2011. Specifically, I am requesting that the authority to obligate funds for the State-administered Elementary and Secondary Education Act (ESEA) programs listed in the attached chart be extended to September 30, 2012.

The extended authority to obligate these funds would enable the Michigan Department of Education and its sub-recipients to increase the quality of instruction for students, improve their academic achievement, and continue to assist the same populations served by the programs for which this waiver is being requested in accordance with applicable program requirements.

The Michigan Department of Education assures that it has:

- ☐ Provided all sub-recipients of the programs affected by the waiver with notice and a reasonable opportunity to comment on this request. The Michigan Department of Education provided such notice by issuing a memo that was sent out in the October 6, 2011, Thursday communication e-mail (see copy of notice attached).
- ☐ Attached copies of comments the Michigan Department of Education received.
- ☐ Provided notice and information regarding this waiver request to the public in the manner that the Michigan Department of Education customarily provides such notice and information to the public by posting information regarding the waiver request on its website (see attached copy of that notice).

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The Michigan Department of Education further assures that, if it receives the requested waiver, it will:

- Ensure that sub-recipients within the State will use FY 2009 funds carried over as a result of the waiver to carry out activities in accordance with program requirements.
- Hold local educational agencies and schools accountable based on the State's annual measurable objectives.
- Estimate the number of jobs created or retained with regular Federal FY 2009 funds after September 30, 2011, in a manner and format consistent with the quarterly reports required under Section 1512 of the American Recovery and Reinvestment Act of 2009, and make such estimates available to the U.S. Department of Education upon request.

Please feel free to contact Louis Burgess, Assistant Director, Grants Coordination and School Support, at (517) 373-4337 or [BurgessL@michigan.gov](mailto:BurgessL@michigan.gov) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Mike Flanagan  
Superintendent of Public Instruction

Enclosure

Michigan Department of Education  
Fiscal Year 2009 Tydings Waiver Request

CFDA Number	Name of Program	Grant Award Number	Estimated Amount of FY 2009 Funds that Remain Unobligated
84.010A	Title I, Part A Grants to Local Educational Agencies	S010A090022	\$12,000,199
84.389A	Title I, Part A Grants to Local Educational Agencies (Recovery Act)	S389A090022	\$10,865,131
84.013A	Title I, Part D State Agency Neglected and Delinquent Program	S013A090022	\$194,930
84.318X	Title II, Part D Enhancing Education Through Technology (Ed-Tech) State Program	S318X090022	\$1,734,579
84.386A	Title II, Part D Enhancing Education Through Technology (Ed-Tech) State Program (Recovery Act)	S386A090022	\$6,204,516
84.186A	Title IV, Part A Safe and Drug Free Schools and Community Grants	Q186A090023	\$761,762

### Use of Funds Description by Program

#### CFDA# 84.010A - Title I, Part A 4% Grants to Local Educational Agencies

This waiver request is necessary because Local Education Agencies (LEAs) have struggled to obligate and spend their Fiscal Year (FY) 2009 ARRA funds in a timely manner. This has directly affected their ability to utilize regular Title I, Part A funding from the 4% obligation for schools in improvement. As a result, Michigan has several LEAs that have not drawn down these funds. Michigan proposes that these funds be recaptured and reallocated to LEAs with the greatest demonstrated need and ability to thoughtfully and purposefully utilize these funds to support school improvement activities. The activities will directly address the reason(s) why the school was identified for improvement, and funds will be reallocated according to ESEA statute and Michigan State Board of Education approved criteria.

The intended consequence is to provide an opportunity to expand and enhance the services and supports available to identified schools, which includes, but is not limited to: school support teams; instructional coaches at the classroom level; instructional leadership coaching/mentoring for administrators; and job-embedded professional development focused on accessing, understanding, and using data to inform instruction. If granted the requested waiver, Michigan will implement it with respect to the following assurances that:

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- It will comply with the Title I, Part A statutory and regulatory obligations in Section 1003 to ensure that funds are utilized to serve the lowest-achieving schools that:
  - Demonstrate the greatest need for such funds.
  - Demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to meet the progress goals in school improvement plans under section 1116 (b)(3)(A)(v).
- It will comply with all of its other Title I, Part A statutory and regulatory obligations in Section 1117 to ensure that funds are utilized to provide support and assistance to other LEAs and schools participating under this section that need support and assistance in order to achieve the purpose of this section.

**CFDA# 84.389A - Title I, Part A 4% Grants to Local Educational Agencies (Recovery Act)**

This waiver request is necessary as State legislation was passed in 2009 that requires the Michigan Department of Education to annually develop and publish a list of Persistently Lowest Achieving (PLA) schools based on the rules for the School Improvement Grant (SIG). As a result, Michigan PLA schools that did not receive a SIG grant are still bound by State statute to select and implement one of the four required intervention models without the benefit of additional funding. Michigan has currently identified 92 schools on its list of PLA schools. Of those 92 schools, 52 received a round one or round two SIG award.

In order to address the demonstrated need, Michigan allocated its ARRA Title I 4% allocation reserved for schools in improvement to the unfunded Title I PLA schools. It is Michigan's position that in doing so it was meeting the intent of both the regular and ARRA Section 1003(a) 4% reservations and the SIG to address the needs of the schools in greatest need of assistance.

Note that this allocation process occurred prior to Michigan's SIG II competition. Consequently, the schools that received this award were either SIG II eligible or unfunded SIG I eligible. The intent was to fund pre-implementation activities in anticipation of receiving a SIG award.

Michigan's goal is to provide as much support, guidance, and technical assistance to non-SIG PLAs as funding allows. In order to meet this goal, Michigan proposes to recapture any unexpended ARRA Title I 4% reservation funds from the SIG II grantees and re-allocate to the non-SIG funded PLAs, thus increasing their current allocation. While this will not put them on equal footing with the SIG grantees, it will result in an increased capacity to affect positive and meaningful change that would not be afforded otherwise, and it will allow those schools one more year of increased funding to ensure that they remain on course for accelerating student achievement.

If granted the requested waiver, Michigan will implement the waiver with respect to the following assurances that:

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- It will comply with its statutory and regulatory obligations for the provision of regular and ARRA Title I, Part A funds.
- It will comply with all of its other Title I, Part A statutory and regulatory obligations in Section 1003 to ensure that funds are utilized to serve the lowest-achieving schools that:
  - Demonstrate the greatest need for such funds.
  - Demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to meet the progress goals in school improvement plans under section 1116 (b)(3)(A)(v).
- It will comply with all of its other Title I, Part A statutory and regulatory obligations in Section 1117 to ensure that funds are utilized to provide support and assistance to other LEAs and schools participating under this section that need that support and assistance in order to achieve the purpose of this section.

**CFDA# 84.010A and 84.389A - Title I, Part D, Subpart 2 (Regular and Recovery Act)**

This waiver request is necessary because Local Education Agencies (LEAs) have struggled to obligate and spend their FY 2009 regular and ARRA funds in a timely manner. This has directly affected their ability to utilize Title I, Part A funding for the Title I, Part D, Subpart 2 Program. As a result, Michigan has several LEAs that have not drawn down these funds. Michigan proposes that these funds be recaptured and reallocated to LEAs for neglected, delinquent, and/or at-risk youth facilities with the greatest demonstrated need and ability to thoughtfully and purposefully utilize these funds for activities to support neglected, delinquent and/or at-risk youth. The funds will be reallocated according to ESEA statute and Michigan State Board approved criteria.

The intended consequence is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities. If granted the requested waiver, Michigan will implement it with respect to the following assurances that:

- It will comply with the Title I, Part A statutory and regulatory obligations in Section 1421 to ensure that funds are utilized to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education; provide activities to facilitate the transition of such children and youth from correctional programs to further education or employment; and operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.
- It will comply with all of its other Title I, Part A statutory and regulatory obligations under Part D—Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk to ensure that funds are utilized to provide support and assistance to local institutions participating under

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this program that need that support and assistance in order to achieve the purpose of this program.

**CFDA# 84.013A - Title I, Part D State Agency Neglected and Delinquent Program**

This waiver request is necessary because the Michigan Department of Human Services has struggled to obligate and spend their FY 2009 funds in a timely manner for the Title I, Part D, Subpart 1 Program. The funds will be reallocated according to ESEA statute and Michigan State Board of Education approved criteria.

The intended consequence is to support the operation of educational programs in correctional facilities. If granted the requested waiver, Michigan will implement it with respect to the following assurances that:

- It will comply with the Title I, Part A statutory and regulatory obligations in Section 1401 to ensure that funds are utilized to improve educational services for children and youth in State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State academic content standards and challenging State student academic achievement standards that all children in the State are expected to meet.
- It will comply with all of its other Title I, Part A statutory and regulatory obligations under Part D—Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk to ensure that funds are utilized to provide support and assistance to State institutions participating under this program that need that support and assistance in order to achieve the purpose of this program.

**CFDA# 84.318X and 84.386A - Title II, Part D Enhancing Education Through Technology (Ed-Tech) State Program (Regular and Recovery Act)**

This waiver request is necessary because Local Education Agencies (LEAs) have struggled to obligate and spend their FY 2009 regular and ARRA funds in a timely manner. This has directly affected their ability to utilize Title II, Part D funding for enhancing education through technology. As a result, Michigan has several LEAs that have not fully drawn down these funds. Michigan proposes that these funds be recaptured and reallocated to LEAs for education technology with the greatest demonstrated need and ability to thoughtfully and purposefully utilize these funds for activities to improve student achievement through the use of technology. The funds will be reallocated according to ESEA statute and Michigan State Board of Education approved criteria.

The intended consequences are to support initiatives designed to increase access to technology, particularly in schools identified for improvement under Title I, Part A; ensure that all students are technologically literate by the end of the 8<sup>th</sup> grade; support innovative methods for delivering specialized or rigorous academic courses

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for students without access to such courses; encourage effective integration of technology, resources, services and systems with teacher training and curriculum development; and support efforts to use technology to promote parent and family involvement in education and communications.

If granted the requested waiver, Michigan will implement it with respect to the following assurances that:

- It will comply with the Title II, Part D statutory and regulatory obligations in Section 2402 to ensure that funds are utilized to improve student academic achievement through the use of technology in elementary and secondary schools.
- It will comply with all of its other Title II, Part D statutory and regulatory obligations under Part D—Enhancing Education Through Technology to ensure that funds are utilized to provide support and assistance to LEAs participating under this program that need that support and assistance in order to achieve the purpose of this program.

### **CFDA# 84.186A- Title IV, Part A Safe and Drug Free Schools and Community Grant**

This waiver request is necessary because Local Education Agencies (LEAs) have struggled to obligate and spend their Title IV, Part A funds in a timely manner. Provided that the waiver is approved, the remaining Safe and Drug Free Schools (SDFS) balance will support the purchase of additional research-based violence prevention (including bullying), and alcohol, tobacco, and other drug (ATOD) curriculum to be distributed to Michigan schools. Furthermore, resources will be used to provide training and technical assistance to school districts on the Michigan Profile for Healthy Youth (MiPHY). MiPHY serves as one of Michigan's data collection systems to fulfill the Uniform Management Information and Reporting System (UMIRS) requirements outlined in the SDFS law.

If granted the requested waiver, Michigan will implement it with respect to the following assurance that:

- It will comply with the Title IV, Part A, Subpart 1 statutory and regulatory obligations in Section 4112 to ensure that funds are used to implement drug and violence prevention activities, including:
  - Activities that complement and support local educational agency activities under section 4115, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance.
  - Dissemination of information about drug and violence prevention.
  - Development and implementation of community-wide drug and violence prevention planning and organizing.